



Regulatory Reinvention Proposed EPCRA Sections 302-312 Revisions

The Emergency Planning and Community Right-to-Know Act requires facilities to provide State and local officials with information on their hazardous chemical inventories to support local emergency planning. EPA has proposed some regulatory changes under EPCRA aimed at relieving facilities from routine reporting of information that is not useful to the community. The proposal simplifies and streamlines compliance, particularly for the chemical inventory submissions required under EPCRA sections 311 and 312, without compromising the public's right-to-know. EPCRA section 313 requirements would not be affected.

What's New?

EPA is exploring innovative ways to improve the efficiency of the reporting requirements under EPCRA sections 311-312 and has proposed several major changes:

- *Higher reporting thresholds for gasoline and diesel fuel at retail gasoline stations.* Retail gas stations that store gasoline and diesel fuel entirely underground and are in compliance with underground storage tank (UST) regulations would be subject to the following thresholds under section 311-312: 75,000 gallons for all grades of gasoline combined and 100,000 gallons for diesel fuel. EPA estimates that the vast majority of retail gas stations will have less than these quantities.

The public and local emergency planners and responders generally are aware of the presence and the hazards associated with gasoline and

diesel fuel. Underground storage minimizes the risk of catastrophic releases. Finally, performance and operation standards already are in place under Resource Conservation and Recovery Act (RCRA) UST regulations.

- *Relief from routine reporting for rock salt, sand, and gravel.* Facilities that store or handle rock salt, sand, and gravel no longer would report these substances under sections 311-312, regardless of how much was onsite.

These substances do not present a physical or health hazard to the public, emergency responders, or the environment.

- *Relief from routine reporting for substances with low hazards and low risks.* A substance that does not pose a significant physical or health hazard to the public, emergency response personnel, or the environment would no

EPCRA

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longer be reportable under sections 311-312, regardless of how much was onsite.

Local communities are best situated to judge the level of risk presented in site-specific situations.

The elimination of unnecessary reporting will help focus emergency preparedness and planning on more significant hazards. However, it is important to note that the proposed rule would not affect the public's right-to-know regardless of threshold levels.

Important Note

Under EPCRA, each State has the authority to adopt more stringent requirements, including setting lower threshold levels for individual substances than those established by EPA. As a result, facilities should check with the State agency responsible for EPCRA section 312 Tier I/Tier II reporting to determine applicable requirements.

EPA also wants comment on several issues that would give State and local governments more flexibility to implement the existing requirements of EPCRA sections 311-312:

- Partnership programs for streamlined submission of and joint access to section 311 and 312 information;
- Electronic submittal of information;
- Reporting of ONLY changes in information, rather than submitting a new inventory each year;
- Allowing RCRA UST reports to fulfill EPCRA Section 312 requirements.

In keeping with the idea of regulatory reinvention, EPA also has changed the format of the regulations to make them easier to understand and use.

Other Changes

EPA is proposing to clarify reporting of mixtures and change the interpretation of the existing hazardous chemical exemption for solids under section 311.

How Can I Find Out More?

The full text of the regulatory changes, the preamble describing all of EPA's proposals, and the flexibility options have been published in the *Federal Register*. They are available in electronic format on EPA's Chemical Emergency Preparedness and Prevention Office homepage at <http://www.epa.gov/ceppo/>.

For information on how these changes may affect you, call EPA's Hotline at:

(800) 424-9346/(703) 412-9810
TDD: (800) 553-7672
Mon-Fri, 9am to 6pm, E.T.

How Can I Let EPA Know What I Think?

EPA wants to hear directly from you. All comments received will be considered as we prepare the final EPCRA rule to be issued later this year.

You can submit your comments on the CEPPPO homepage (see above), or mail your comments to EPA (refer to Docket Number 300RR-IF) at the following address:

Docket Coordinator, Headquarters
U.S. EPA
CERCLA Docket Office
Mail Code 5201G
401 M Street, SW
Washington, DC 20460